

# EXHIBIT A

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**410-2022-09423**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Carvis Smith**

Home Phone (Incl. Area Code)

**+1 (470)839-0906**

Date of Birth

**September 21, 1979**

Street Address

**2980 Jonesboro Rd SE, #352**

City, State and ZIP Code

**Atlanta, GA 30308**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**DBA B.B.Q., LLC**

No. Employees, Members

**50-99**

Phone No. (Include Area Code)

**+1 (404) 249-5000**

Street Address

**1190 N. Highland Avenue NE**

City, State and ZIP Code

**Atlanta, GA 30306**

Name

**US EEOC ATDO RECEIVED 09-15-2022**

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE    ☒ COLOR    ☐ SEX    ☐ RELIGION    ☐ NATIONAL ORIGIN  
☒ RETALIATION    ☐ AGE    ☐ DISABILITY    ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

August 10, 2022

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I began working for the employer on October 1, 2021, as Cook.
- From the beginning of my employment, I have been subjected to a racially hostile work environment.
- I am of African American descent colloquially referred to as black.
- The owner, Matt Coggin constantly made racially discriminatory remarks.
- Coggin said things like "I know that Black don't crack but some of y'all are ugly."
- Coggin said that "Black babies look like monkeys, sometimes."
- He said "Carvis, what is taking you so long? I thought all Black people know how to fry chicken."
- Coggin also said he "thought all Black men had large penises."
- Coggin told me that he would not bring his wife around me because "Black men are known to cheat."
- Coggin and I were talking about having an employee appreciation event. Coggin said "I am not going to feed you Black people fried chicken and watermelon, you can get that at home. Don't all you black people eat that at home?"
- Coggin subjected me to these and other racial comments on a near daily basis.
- Coggin also had a different standard for white and Black employees.
- Coggin referred to Black employees as lazy.
- He said that Black people wanted something for nothing.
- He said that Black people were violent.
- He primarily hired only Black and Latinos to work in the kitchen jobs but preferred Caucasians for the front of the house jobs.
- Coggin also allowed white employees to refuse work but when Black people did the same, they were called lazy.
- On one occasion, there was an opening at the dishwasher position.
- Coggin first asked a white employee to work as a dishwasher. The white employee initially agreed but later decided he did not want to do it.
- Coggin did not threaten the employee or fire the person.
- When the white person, whose name was Devin, told Coggin that he would not do the dishes, Coggin told me to do it. He did not give me a choice to turn it down.
- Devin did not get fired for refusing to do the extra duty.
- Coggin also hired Adrienne (LNU) as a supervisor. Adrienne constantly yelled at the Black kitchen staff, but she did not yell at Latino employees.
- After enduring Adrienne's abuse for some time, I and some other the Black cooks staged a walkout to protest the way she was treating us.

25. Eventually, the cooks and I agreed to return to work after Adrienne left the company.
26. When Coggin replaced her, he replaced her with a Black male.
27. When he did it, Coggin told the cooks that he hired a Black expediter because he thought the Black cooks would like a Black person better.
28. On or about August 10, 2022, I was working a closing shift.
29. After the restaurant closed, an order came in that needed a fryer.
30. Before the order came in Coggin had already approved shutting down the fryers and draining them.
31. The oil in the fryer is up to 400 degrees so it was a safety hazard to continue to handle the oil after it was drained.
32. I explained to Coggin that the fryer was already shut down and drained and it would be a safety hazard to try to pick up the hot oil and pour it back into the fryer.
33. Coggin became enraged and threatened to fire me.
34. When I said, I would have to apply for unemployment if he fired me Coggin then called me racially coded words saying I was lazy and that my people were always trying to get something for nothing.
35. He threatened to lie and told me leave the property, saying he didn't know what I might do.
36. I have never showed violence.
37. Coggin fired me.
38. I believe I was discriminated and retaliated against in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S. C. §1981.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – *When necessary for State and Local Agency Requirements*

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

09/14/2022

Electronically Signed  
2022-09-14 04:18:33 UTC - 172.58.4.96  
Nintex AssureSign®  
[Signature]  
[Signature]

Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)